

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DYLAN JOHN EARICK,

Plaintiff,

Case No. 21-10184

v.

HON. DENISE PAGE HOOD

CHRIS SWANSON, et al.,

Defendants.

/

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
and
DISMISSING ACTION

This matter is before the Court on Magistrate Judge Kimberly G. Altman's Report and Recommendation (ECF No. 23) regarding the remaining Defendant Sg. Benjamin Brock's Motion to Dismiss (ECF No. 15). To date, no Objections have been filed by Plaintiff to the Report and Recommendation, and the time to file such has passed.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or

recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). The Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the March 14, 2022 Report and Recommendation, the Court concludes that the Magistrate Judge’s conclusion is correct. The Court agrees with the Magistrate Judge that Plaintiff failed to state a plausible claim under the First Amendment of the United States Constitution for denial of access to the courts. The Court further agrees with the Magistrate Judge that Plaintiff has not pled any facts to support other constitutional claims he mentions in his Complaint, such as any claims under the Fifth, Eighth and Fourteenth Amendments. The Court also agrees with the Magistrate Judge that Plaintiff failed to state plausible claims under certain statutes he cited in his Complaint under 18 U.S.C. §§ 241, 248 and 1503.

Accordingly,

IT IS ORDERED that Magistrate Judge Kimberly G. Altman's March 14, 2022 Report and Recommendation (**ECF No. 23**) is **ACCEPTED AND ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that this action is DISMISSED and designated as CLOSED on the Court's docket.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: September 29, 2022